IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Crl.MC.No. 4052 of 2006()

AGAINST THE JUDGEMENT/ORDER IN CRRP.2063/2006 DATED 14-6-2006 OF THIS COURT & CRA.227/2002 of II ADDL. SESSIONS COURT, TRIVANDRUM

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PETITIONER/REVISION PETITIONER/ACCUSED

V.S.LATHA,
THULASI BHAVAN
NAGACHERI, KALLADAKUNNA
ANAD P.O, NEDUMANGAD.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR

RESPONDENTS:/STATE & COMPLAINANT.

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1. STATE OF KERALA
REPRTESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

2. RAJAN CHETTIAR,
RAVI BHAVAN
NEDUMANGAD.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15-12-2006 THE COURT ON 15/12/2006 PASSED THE FOLLOWING:

R.BASANT.J

Crl.M.C. No. 4052 OF 2006

Dated this the 15th day of December 2006

ORDER

The petitioner was found guilty convicted and sentenced in a prosecution under Section 138 of the Negotiable Instruments Act. Another bench of this Court indulgently granted the petitioner six months time from 14-6- 2006 to make the payment of Rs.1.5 lakhs. The petitioner has come to this Court with this petition on 15-12-2006 with an offer to pay an amount of Rs. 70,000/- immediately to the respondent/complainant and for time till July 2007 to make the balance payment.

2. The petitioner is obviously being unreasonable in the demand. Indulgence to the maximum was already shown to the petitioner in granting the petitioner six months time from the date of final disposal of the revision to raise the cheque amount and to pay the same. I find absolutely no merit in the prayer for such a long further extension of time to make the payment.

3. The amount of Rs,70,000/- has not been paid actually even now. I am satisfied that the petitioner can be given a short further time to

appear before the learned Magistrate and to make payment of the balance amount, if the petitioner makes payment of amount of Rs. 70,000/- for which he has now taken a Demand Draft in favour of the petitioner as contended by the learned counsel for the petitioner.

4. In the result this Crl.M.C. is allowed in part. Petitioner shall have time till 16-1-2007 to appear before the learned Magistrate and to pay the entire balance amount on condition that he pays/ deposits an amount of Rs. 70,000/- forthwith- within a period of seven days to the satisfaction of the learned Magistrate. The petitioner can certainly satisfy the learned Magistrate by producing the Demand Draft before the learned Magistrate or by getting acknowledgment of the complainant filed before the learned Magistrate for receipt of the Demand Draft for the said amount. It is made clear that no further extension of time shall be granted also

R.BASANT, JUDGE

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